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Speaker: The Honourable Hunter Tootoo, M.L.A.

Legislative Assembly of Nunavut

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**Iqaluit, Nunavut
Friday, June 8, 2012**

Members Present:

Honourable Eva Aariak, Honourable James Arreak, Mr. Moses Aupaluktuq, Mr. Tagak Curley, Honourable Monica Ell, Mr. Ron Elliott, Mr. Joe Enook, Honourable Lorne Kusugak, Mr. John Ningark, Mr. Johnny Ningeongan, Mr. Hezakiah Oshutapik, Honourable Keith Peterson, Mr. Allan Rumbolt, Honourable Fred Schell, Honourable Daniel Shewchuk, Honourable Peter Taptuna, Honourable Hunter Tootoo.

>>*House commenced at 9:00*

Item 1: Opening Prayer

Speaker (Hon. Hunter Tootoo): *Qujannamiik*, Sergeant-at-Arms. Before we commence today's proceedings, I would like to ask Mr. Elliott if he could be kind enough to lead us off with a prayer, please. Mr. Elliott.

>>*Prayer*

Speaker: Thank you, Mr. Elliott. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Speaker. Good morning to all the members. I seek unanimous consent to proceed directly to Item 19 on the order paper. Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Rumbolt. The member is seeking unanimous consent to proceed directly to Item 19. Are there any nays? There are none. We will now proceed to Item 19 in the *Orders of the Day*. Item 19. Consideration in Committee of the Whole of Bills and Other Matters. Bill 39 with Mr. Enook in the Chair.

I would like to ask members to remain in their seats so that we can immediately proceed to Committee of the Whole. Thank you.

Sergeant-at-Arms.

**Item 19: Consideration in Committee
of the Whole of Bills and Other
Matters**

Chairman (Mr. Enook)(interpretation): Good morning to the people of Nunavut and to the people who are watching and listening to the proceedings. I would now like to call the committee meeting to order. In Committee of the Whole this morning, we have the following item to deal with: Bill 39. What is the wish of the committee? Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. We wish to proceed with the review of Bill 39 and when complete, we will report progress. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you. Are we in agreement that we will deal with Bill 39?

Some Members: Agreed.

**Bill 39 – An Act to Amend the
Judicature Act – Consideration in
Committee**

Chairman (interpretation): Thank you. At this time, I would like to ask the Minister of Justice to begin his opening comments for Bill 39. Mr. Shewchuk.

Hon. Daniel Shewchuk: Thank you very much, Mr. Chairman. Good morning to you and your committee. I do have opening comments. I am pleased

today to introduce *An Act to Amend the Judicature Act*. This amendment to the *Judicature Act* will add a section intended to enhance and improve security at Nunavut's courts.

Currently, the Sheriff of the Nunavut Court of Justice has no authority to restrict access to the court or to search anyone coming into the court. This situation poses a danger to judges and court staff, but in particular, the current situation poses a danger to Nunavutmiut who attend the court or are subject to court proceedings.

This bill gives the sheriffs and deputy sheriffs the power to perform security screening of individuals who enter court buildings. Sheriffs and deputy sheriffs will have the ability to control who enters court facilities and to perform metal detection screening to ensure no one brings weapons or dangerous items into court buildings. The amendment will also explicitly restrict public access to some parts of the court building, such as judges' chambers and prisoner detention areas. As well, the proposed amendment includes a screening exemption for elders, lawyers, judicial officers, and judges.

It is important to note that this amendment will go hand in hand with a rigorous training program for our sheriffs. The training, which will be administered by experts in law enforcement and security, will ensure the sheriffs have the expertise needed to conduct these searches and to properly and sensitively exercise the authority given to them in this bill.

Upon passage of this bill, the Department of Justice will begin to

implement these new measures at the Nunavut Court of Justice in Iqaluit, and once policy, staffing, and training are complete, the department will begin to gradually roll out these security measures in the communities when the court is on circuit.

Mr. Chairman, the Department of Justice believes that this amendment will serve to protect the safety of all Nunavutmiut who use our court and will ensure that administration of justice can proceed in a secure and safe environment. Thank you very much, Mr. Chairman.

Chairman: Thank you, Minister Shewchuk. Do you have witnesses that you want to bring to the table with you? Minister Shewchuk.

Hon. Daniel Shewchuk: Yes, I do. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you. Are we in agreement to bring in the witnesses?

Some Members: Agreed.

Chairman (interpretation): Thank you. Sergeant-at-Arms, can you escort the witnesses in, please.

Thank you, Sergeant-at-Arms. Does the chair of the standing committee have comments? Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. As Chair of the Standing Committee on Legislation, I am pleased to make some brief opening comments as we begin consideration of Bill 39, *An Act to Amend the Judicature Act*.

The standing committee recognizes that the intent of the bill is to add court security provisions to the legislation that allow the sheriff and deputy sheriffs to provide security screening and to control access to court facilities. The standing committee recognizes the importance of establishing an appropriate balance between the safety of people and facilities and the public's right of access to the proceedings of our institutions.

During the minister's appearance before the standing committee, members engaged in a thoughtful dialogue concerning these issues. Members recognize that the government plans to provide extensive training for sheriffs and other court officials regarding these new measures. Members urge the government and the court to approach the issue of security in a reasonable and measured manner, especially when low-risk proceedings are taking place in communities outside of Iqaluit.

As members are aware, this is not the first time that the government has introduced legislation during the current Legislative Assembly to address issues of concern that have, to a significant extent, been raised by the judiciary itself. At a later point in our proceedings today, one of my colleagues will be moving a motion that will highlight the importance of appropriate reporting mechanisms with respect to the operations, priorities, and concerns of the Nunavut Court of Justice.

Mr. Chairman, that concludes my opening comments. The standing committee recommends the passage of Bill 39 to all members. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Ningeongan. Before we proceed, Minister Shewchuk, for the record, if you can introduce your officials. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you very much, Mr. Chairman. To my right, I have Deputy Minister of Justice, Mr. Norman Tarnow, and to my left, I have Dwayne Twerdin, Director of Court Services. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Shewchuk. Welcome. Before we proceed, I would like to ask if there are any general comments. Mr. Curley.

Mr. Curley (interpretation): Thank you, Mr. Chairman. Yes, I want to make general comments on this matter. I also wish to welcome the minister and his officials. I also want to express my appreciation to the minister for his responses to our questions earlier in March.

At that time, we heard about several delays in court proceedings here in Iqaluit. Many people who were to appear before the courts, defendants, witnesses, including family members of the accused, were all affected with the deferral of these cases. We are starting to hear from all over Nunavut, as well as from the statements made by my colleagues, that the continual deferral of cases can result in the accused making hasty decisions and in some cases, ending their lives. This has been brought up from time to time.

However, what I want to comment on is with respect to the cases being deferred. Whenever this occurs, more concerns and problems emerge. This can apply to

the judiciary, the legal teams, the defendants, and even the witnesses who are asked to appear before the court to provide evidence. Due to this reason, I want all Nunavutmiut to be aware that they have rights under this area.

When the court delays the proceedings when it could have commenced with the case due to concerns, one thing I noted that was seemingly missed is the application of the Canadian Charter of Rights and Freedoms. It has been in existence for many years and it applies to all parts of Canada and to all Canadians. There are several provisions which people are not aware of or that the lawyers are not passing on to the defendants that apply to them.

There are four relevant sections within the Canadian Charter of Rights and Freedoms, that (interpretation ends) “Any person charged with an offence has the right,” (interpretation) and one specifically states, (interpretation ends) “to be tried within a reasonable time.” (interpretation) This applies where an accused person has the right to be tried within a reasonable time and to have the system work this out if all things fall into place.

Due to these reasons, I made a statement about these incidents where the judiciary suspended several cases due to concerns at the territorial court building. We must not forget this principle, “within a reasonable time.” It seems to be largely forgotten when cases are delayed. I will have questions later on, but I just wanted to make general comments on this matter, Mr. Chairman, as it is related to this bill.

Nunavutmiut have rights under the Canadian Constitution and we have to ensure that these rights are exercised, and we have to remind the court of this right. Some cases are deferred and delayed for long periods and if we apply this right, some cases could even be thrown out. It seems that the courts are not too concerned about trampling on the rights of our citizens. I disliked what I observed at the time and that is why I am mentioning it at this time.

Last week, when I was directing questions to the minister, he obliged with good responses and he committed to finding solutions to any problems that may exist in the operations of the court. He also identified the opportunity to discuss these issues outside of the court system.

I will stop there as that concludes my opening comments. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Curley. I believe that was just a comment and you will have an opportunity to raise questions when we review the contents of the bill. (interpretation ends) Minister Shewchuk, if you want to make a comment.

Hon. Daniel Shewchuk: Thank you very much, Mr. Chairman. I really do appreciate the comments made by Mr. Curley and I look forward to his questions, but I do understand the message he is sending. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Shewchuk. Mr. Ningark.

Mr. Ningark (interpretation): Thank you, Mr. Chairman. Bill 39 is a bill I approve of and want to support. As my esteemed colleague, Mr. Curley, alluded to, we have to comply with the Canadian Charter of Rights and Freedoms and the Canadian Constitution. He spoke to these issues during our meeting and I fully concur with that assessment, obviously.

Another thing to keep in mind is that in Canada, we also have mobility rights as Canadians, where any citizen can move to any other part of Canada to work if they are able to qualify for that job. I may move to Saskatchewan, Manitoba, Ottawa, British Columbia, or even Newfoundland without any fear of being beaten or placed in a dangerous situation simply for the position I was able to get.

Additionally, this includes workplace safety. In my case, I can work in this House without any pressing concerns about my workplace. Further, here in Nunavut, whenever any worker arrives to our community to work at various jobs and work orders, we have to welcome them to our community.

Similarly, the court, in this case, the employees of the territorial court or the Supreme Court are in that same position as they are undertaking their jobs here in Canada. They do their job, work with the various prosecutor and defence teams, as well as the accused people or the defendants, without any concerns about being accosted or threatened. Exactly like everyone here, as this principle applies everywhere.

Here I am referring to workplace safety as well as mobility rights as Canadians, which mean that we can travel anywhere

to work at a job, (interpretation ends) especially for peace and justice. (interpretation) We have to consider these matters, all the while remembering our fellow citizens, the people we represent, as well as the potential witnesses because we have to ensure we protect the rights of these witnesses. Whenever a person is a witness in our court system, we can't place them in a dangerous situation. We also can't place any legal worker in a dangerous situation as this applies to all the people in the system.

Perhaps it doesn't really apply today, but with the increasing population in Nunavut and our young population, we are starting to see more unruly events or dangerous situations, such as people with firearms or other weapons, that seem to be occurring with greater frequency in Nunavut. We have to be cognizant of the trends and be prepared beforehand. At least, in my case as a legislator, I do want to be prepared. Now, whether I would be privileged enough to be voted in for a second term is something I can't forecast.

At the very least, (interpretation ends) for peace and justice, as well as mobility rights within the country, (interpretation) we ought not to be worried about any danger when we are working at our jobs. Therefore, I am in support of this bill. Whenever anyone in the court system has any concerns with safety, from the judges to the court workers, they would have to defer these cases and this is not conducive to resolving our challenges.

As we know, whenever a case is continually deferred, people sometimes commit personal actions, such as suicide, due to the inability of the courts

to deal with the case expeditiously. This is what I want to know. If Bill 39 will result in faster court proceedings, then I support it.

The hon. minister stated that more training and preparation will be needed to put these plans into place, even if it is an extremely slow process to implement these proposed changes. If Bill 39 is passed, it will lead to preparations to do that, and if we can complete the review of this bill, it will make this a simpler process.

I intend to support this bill and I wanted it on the record. When we are reviewing this bill on a clause-by-clause basis, I won't have any questions nor will I have any proposed amendments. I just wanted to highlight my support for this proposed legislation. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Ningark. General comments. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. Again, I would have to agree with what the other MLAs have said so far this morning. I had some specific questions around the courtroom itself. In particular, it was my understanding that there was a report on the security and different actions that could be done within the court system to make it safer and it was conducted by the RCMP. I was wondering, through that report, whether this added to what was put into this *Judicature Act*. Thank you, Mr. Chairman.

Chairman: *Qujannamiik*, Mr. Elliott. May I suggest that you ask that same question when we get to the clause-by-

clause [review]. Mr. Elliott, we are at just general comments right now.

Mr. Elliott: Thank you, Mr. Chairman. It's general comments about the opening comments of the minister and if you could tell me where and which clause to ask it in because to me, it's not a specific question about a clause; it's a general question about his statements on the whole Act, how the Act came about, what was put into the Act, and where guidance was given. I'm sure there was guidance from his officials, but I'm sure there was also guidance from reports and from the court staff as well. If you do want me to wait and ask on a specific line, then tell me which section it is and I'll mark it down so I can ask it. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Elliott. What I will do, Mr. Elliott, is once we get to the clause-by-clause [review], you will be the first person I recognize and allow you to ask that question. Thank you. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. In the fourth paragraph of your opening comments, you talked about the sheriffs and deputy sheriffs and the powers that they have to perform screening. You also mentioned in your opening comments when you read them to us just a couple of minutes ago about the training that will go on with the court staff, specifically the sheriffs and deputy sheriffs. Could the minister help educate us on what the current practice is for the training that's received by the sheriffs, as well the enhanced training that would be provided? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Elliott. I will allow this one to go through. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. It's a very good question from Mr. Elliott. At present, the sheriffs and deputy sheriffs are trained in various degrees and I'll let Dwayne respond to that and exactly what that is. This training that we plan on implementing and giving them once this Act is, hopefully, passed will be more in detail and in depth and give them more authority and sensitivity into that effect. As for presently and what the new training will consist of, I'll get Mr. Twerdin to respond to that too. Thank you, Mr. Chairman.

Chairman: Thank you, Minister Shewchuk. Mr. Twerdin.

Mr. Twerdin: Under the current practice, our sheriffs and deputy sheriffs have different levels of training, sporadic training based on employment history. Some of our sheriffs have non-violent crisis intervention training, some have one-on-one tactical training, negotiations training, and all of our sheriffs but two have baton, pepper spray, and handcuff training. Unfortunately the training itself has lapsed and they're required to attend an update on several modules to ensure they have the credentials to actually carry out their functions.

The training we want them to take part in, in the event that this Act is passed, will be instructed by professionals out of the BC Justice Institute. Currently, we are negotiating costs and dates in order for this to occur. The BC Justice Institute is Canada's leader in training of this nature and it will be nothing but a

benefit to our sheriffs to ensure that there's safety and security in our courtrooms and to ensure that there's safety for all Nunavummiut. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Twerdin. (interpretation ends) Mr. Elliott, general comments.

Mr. Elliott: Thank you, Mr. Chairman. I do have more questions over the general way in which the bill had come out and on some of the comments that he had made, but they are questions. It seems like I'm being asked to wait until the clause-by-clause [review]. As long as I'm not being called out of order because I'll be asking questions about clauses that don't necessarily refer to the questions I'm asking. That's fine by me. I will wait. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Elliott. (interpretation) General comments. I have no more names on my list for general comments. We can now begin the clause-by-clause review of Bill 39. It is in your white binder. I have the English copy, so I will be reading it in English. (interpretation ends) Bill 39, *An Act to Amend the Judicature Act*. (interpretation) Beginning with clause 1. Do you agree?

Some Members: Agreed.

Chairman (interpretation): Clause 2. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. Getting back to the report that the RCMP had conducted on, I believe it was the Iqaluit courthouse, which, I think, for the amendments that we're talking about, is basically for security in

Iqaluit, were there any specific recommendations in that report that are reflected in the current Act that we're amending? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Elliott. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. Again I'll have opening comments here and then I can pass it on to Mr. Twerdin.

In regard to the RCMP report, I'm fully aware of it and have reviewed it. That report came out of an inventory inspection, I believe, that was done during the time that the new RCMP office was being built, and then while those people were here, I think the RCMP requested them to do an assessment of the courthouse. So that report is done.

This bill that we're dealing with today was in the works before that report was done and it addresses some of the concerns that are outlined in that report. So I think it goes hand in hand. Some of the concerns that are identified in there, I think, will be addressed by this new Act.

Mr. Twerdin, can you add to that? Thank you, Mr. Chairman.

Chairman: Thank you, Minister Shewchuk. Mr. Twerdin.

Mr. Twerdin: Thank you, Mr. Chairman. The RCMP report was a report that was submitted after we started the creation of this bill. The RCMP report outlined issues in the current Nunavut Court of Justice facility. The justice staff was aware of the current diagram of the building and the

issues within the diagram, and the RCMP confirmed the issue that needs to be resolved. Essentially, it supports the need for us to make enhancements to the building and to ensure that we have the safety and security in our only courtroom facility in Nunavut. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Twerdin. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. Mr. Twerdin mentioned about enhancements to the current facility of the courthouse. Are those reflected in the capital budget for minor capital that we approved in the House in terms of those changes and the money has been allocated to fix those concerns and problems? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Elliott. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. The member is right. There has been money identified for minor capital and approved and that will be going towards enhancing some of the issues in the courthouse. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. Getting back to the training and assistance provided to the sheriffs and deputy sheriffs, I believe he mentioned pepper spray and the handcuffs. The individuals will be looking for, according to the definition of this section, weapons. Are the sheriffs and deputy sheriffs going to be required to carry a sidearm on them or a weapon

much like RCMP or will they be issued with tasers, or are there other means that they are being taught to handle a violent altercation? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Elliott. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. No. In the law enforcement field, there is what's called the use of force continuum. What that does is you start out with verbal commands and talking to somebody, and then it escalates into different levels of security and safety issues and how to deal with them. They will be having verbal judo training, which is talking to each other. They will be getting pepper spray training and they will be getting handcuff and baton training, and in that comes self-defence training too. At no point, which the last force in the force continuum is deadly force, will they be getting any training in and receiving side arms. Thank you, Mr. Chairman.

Chairman: Thank you, Minister Shewchuk. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. In some of the standing committee meetings we've had on this bill over the past couple of months, you had mentioned that the costs incurred for what would happen with this bill for the training and for PYs would be held within the budget that you currently have, so you won't be coming back for supplementary appropriation. In terms of increased PY's, is there a plan to hire more sheriffs and deputy sheriffs? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you,

Mr. Elliott. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. A very good question. The member is right; the costs are going to be internal. We expect minimal costs and even in supplying the training, we can do that. At present, there are going to be no staff increases and, of course, that will be assessed as we roll this out and, if there needs to be at a future date, it would come through an FMB submission. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Shewchuk. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. When they're travelling for courts outside of Iqaluit, will the sheriffs and deputy sheriffs be travelling with the judges for all court cases or will it be certain cases that will be deemed higher risk that they will actually travel on? I'm thinking again of the costs that would be hidden in terms of an added person's salary. Sometimes with charters, you would have to fit people onto planes and whether the planes are adequate in size to fit the whole court circuit. You would also have hotel rooms that they have to overnight and per diems. It kind of adds up after a while. I'm just wondering what the department will be doing to handle that aspect of the courts outside of Iqaluit. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Elliott. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. Again I thank him for that question and concern. The sheriffs and deputy sheriffs will not be travelling to all court proceedings in communities, but they will be going to very serious

ones where there are jury trials happening and going on. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Shewchuk. Mr. Curley.

Mr. Curley: Thank you, Mr. Chairman. I have a few questions on this clause as well because it defines the court facility. Does that refer to standard court facilities wherever the territorial court proceedings are being held and it's not confined to one region or one community or one city or location in Nunavut? Thank you.

Chairman (interpretation): Thank you, Mr. Curley. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. It does refer to all court facilities and that would apply to what facility and what building that the Nunavut Court of Justice rents when we deem it a court facility. So we would determine what that court facility was. In most communities, it is a community hall or gymnasium or hamlet office and usually that doesn't change. With that too, when we're providing security into the future, we would get floor plans of all of those buildings and assess it with the court. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Shewchuk. Mr. Curley.

Mr. Curley: Thank you. I appreciate that. It's good to clarify that. What I'm concerned with is that I'm not sure how flexible the court system or court parties are in relocating from one location to another.

In this particular case, I believe the reason for speeding this bill is the event that occurred here in March here in Iqaluit when the territorial court judge was about to hear an important homicide case and issues related to security then were raised a number of times. Why was there a need to have that case moved from Rankin Inlet to Iqaluit in the first place? Thank you.

Chairman (interpretation): Thank you, Mr. Curley. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. Without getting too much into specifics of anything, it is my understanding that the venue was changed at the request of the accused's counsel. So respecting that request, I believe that's why it was changed. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Shewchuk. Mr. Curley.

Mr. Curley: Thank you. I appreciate that. I believe it's ultimately the territorial court judge who makes the decision. I believe that the peers and citizens of the community are normally accorded to them the opportunity to take part or whatnot or listen to the case. So I was puzzled by that because the accused, in the first place, was already being accorded with the provision for bail conditions issued by the territorial court judge.

Mr. Chairman, I have a number of questions, one that was cleared already. With respect to the definition of weapons, it says in the clause that they are defined in the Criminal Code of Canada. Could the minister give further examples on what it means... ? One of

the definitions proposed is “anything else that could be used to,” and there are two definitions where it outlines what could “cause death or serious bodily harm to a person; or” to “threaten or intimidate a person.” These are quite general provisions accorded to a sheriff, I would say.

So can the minister provide, other than a firearm, what the Nunavut public may expect that they shouldn’t bring or carry in their purse, for all that matter? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Curley. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. I’ll have Mr. Twerdin add to it, but I can give you some examples of more than just a firearm. Some of the common weapons that you would consider as weapons would be, of course, knives, a sharpened screwdriver, or something that can be used to harm someone.

It’s amazing what you see; some articles that can be turned into weapons, such as toothbrushes, and I said screwdrivers. Some of the things we have seen at BCC would open your eyes to see what they can do with some of these things.

So maybe Dwayne can add to that, but again, that will come in the training that’s provided to the sheriffs to identify which articles would be considered as possibilities to be used as weapons. Thank you, Mr. Chairman. Dwayne.

Chairman (interpretation): Thank you, Minister Shewchuk. (interpretation ends) Mr. Twerdin, did you want to add?

Mr. Twerdin: Yes. Thank you, Mr. Chairman. The whole purpose of the amendments to this Act to have the weapons definition is to ensure that we can deal with scenarios where we see a weapon that we don’t normally see on a day-to-day basis. We wouldn’t ask an individual to leave their nail clippers at the door, for example. However, there are different weapons at any other jurisdiction that I have seen on a day-to-day-basis that it was a first time that a sheriff or court facility has seen a weapon of that nature.

The purpose of having the amendment in this Act is to ensure that sheriffs can look at a weapon that can possibly be a threat to the court and to have the individual who brought in the so-called weapon and have it removed from the court facility. The sole purpose of that is in order to have the sheriff to have discretion to outline it as a threat to the court and Nunavummiut and the power to have that weapon removed from the court facility. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Twerdin. Mr. Curley.

Mr. Curley: Thank you, Mr. Chairman. Further, continuing with that part, the reason why I’m asking these questions is I think Nunavutmiut are entitled to be aware exactly what weapons or assumed weapons shouldn’t be allowed to be carried.

Now that we have a law, what’s going to happen is there will be likely further shutdowns or complete lockdowns of court proceedings, based on assumed threats, which occurred in the first place. There were never any threats that were

demonstrated against a court facility during the March hearing or before.

Maybe the minister can help me. Will that particular legislation allow more court proceedings to be transferred to Iqaluit based on possible reasons for not having a secure facility in other occasions? Would that be possible? Thank you.

Chairman (interpretation): Thank you, Mr. Curley. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. I apologize to the member, but if he could quickly rephrase his question; I never heard it completely. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Shewchuk. Mr. Curley.

Mr. Curley: Thank you. My preamble was really about the March incident with the territorial court judge where he says that he was not satisfied with the lack of action of the government for the security of court facilities, in this case, in Iqaluit, and so on. He used that case for forcing the government to introduce legislation because it was quite clear in his message that there has to be legislation to protect court facilities. I believe that precipitates to this bill coming into the table before the House.

My point is the territorial court proceedings will now have a further case and perhaps evidence that in most cases, in most communities, there will not be secure facilities. One of the reasons will likely be to have cases moved to Iqaluit on that basis, that the communities do not have secure facilities. Would that likely be possible, that we would have

more court cases moved to different locations with respect to courts not having security, for all that matter? Thank you.

Chairman (interpretation): Thank you, Mr. Curley. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. Thank you. I clearly understand the question now.

First of all, court cases and trials like that will not be affected by this because we, by this legislation, are going to have trained sheriffs and deputy sheriffs. For serious crimes that are committed and there's a jury trial happening in a community, we will be supplying sheriffs to those trials in those communities. So it will not shift serious trials to Iqaluit.

Just secondly, Mr. Chairman, I just want to assure the member that this proposal and this bill were initiated long before this trial in Iqaluit here. I mean the timing was kind of there to highlight it, but this was an ongoing concern. The intent here is to make Nunavutmiut safe and secure in our courts. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Shewchuk. Mr. Curley.

Mr. Curley: Thank you, Mr. Chairman. This is one of my last questions. I appreciate the minister. Once the bill is passed, there will be increased training activities to occur for the officials, including the sheriff's office and his personnel.

I think it's also important that the minister initiate a public awareness

campaign, that wherever a serious court proceeding may occur, that the public be made aware of what is prohibited or what they should be aware of. Out of the blue, it could be kind of intimidating, I think, for the elders to walk in when they have completely no notion or ever think of harming any individual. Would that be possible? Thank you.

Chairman (interpretation): Thank you, Mr. Curley. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you very much, Mr. Chairman. A very good point and, of course, that would be possible. We will send a message and educate the people of Nunavut what the expectations of entering a courtroom are. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Shewchuk. Mr. Ningark.

Mr. Ningark: Thank you, Mr. Chairman. I come from the old school of thought where integrity is everything, whether you are speaking in the House or reviewing a particular bill.

Mr. Chairman, when we began to review Bill 39, I heard you saying, "No. 1." Well, I agreed reluctantly. "No. 2," are you talking about certain sections of the bill or a page? I think, looking at this very important bill, that we should recognize clause 1, clause 2, and so on. That might be recorded in the *Hansard* and, if I want to wait until I read the *Hansard* to agree with the bill, I have that privilege.

But in this case, I hope you will start recognizing clause 1, clause 2, not No. 1, No. 2. Yes, I heard that, "No. 1, No. 2," and we agreed, but I think we should

recognize every clause in the term that we use. Thank you.

Chairman (interpretation): Thank you, Mr. Ningark. (interpretation ends) And I come from the new school. As you can appreciate, I have only been in this House for several months and I apologize if I have confused the issue. I did not mean to do it. Again, I apologize to this House and I will take your advice. (interpretation) Thank you.

I don't have any more names on my list. I'll ask for your agreement on clause 2 once again. Clause 2. Do you agree?

Some Members: Agreed.

Chairman (interpretation): Clause 3. Do you agree?

Some Members: Agreed.

Chairman (interpretation): Thank you. Mr. Oshutapik.

Committee Motion 010 – 3(3): Annual Report of the Nunavut Court of Justice

Mr. Oshutapik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I move that this committee recommends that the Minister of Justice formally requests the Senior Judge of the Nunavut Court of Justice to resume the practice of publicly releasing the annual report of the Nunavut Court of Justice, beginning with its report for the 2012 calendar year, and that this annual report be tabled in the Legislative Assembly on an annual basis for the benefit of all Members of the Legislative Assembly, given the important role that such documents play in accounting for the

activities, priorities, and concerns of this important institution. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Oshutapik. Before we proceed with the motion, I have to remind you that every member has a right to speak once to the motion for a total of 20 minutes. The mover of the motion speaks first. Thirdly, the mover of the motion has the right to the last reply. To the motion. Mr. Oshutapik.

Mr. Oshutapik (interpretation): Thank you, Mr. Chairman. (interpretation ends) As the chair of the standing committee noted in his opening comments, it is important that all Members of the Legislative Assembly are aware of the operations, priorities, and concerns of the Nunavut Court of Justice.

I believe that tabling the annual report of the Nunavut Court of Justice in the Legislative Assembly would be a positive step, which is why I made this motion. I urge all members to support the motion. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Oshutapik. Are there any comments to the motion? Mr. Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Speaker. In regard to providing this report to the Legislative Assembly on annual basis and during the calendar year, I think this report would be good and I think it would supply this House and all members with information that would keep them up to date on what is happening and the needs of the Nunavut Court of Justice.

I, as the Minister of Justice, support this motion and I would ask my colleagues to do the same. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Shewchuk. Are there any more comments to the motion? Let me advise you that I don't have any more names on my list. Does the mover have any last reply? No? I believe you're saying "no." The debate is now closed.

We will now vote on the motion. All those in favour of the motion, please raise your hand. Thank you. All those opposed, please raise your hand. All those abstaining, please raise your hand. There are none. The motion is carried. Thank you.

Moving on. Do members agree to Bill 39 as a whole?

Some Members: Agreed.

Chairman (interpretation): Thank you. Pursuant to Rule 62(2), do members agree that Bill 39 can immediately be placed on the orders of the day for third reading?

Some Members: Agreed.

Chairman (interpretation): Thank you. (interpretation ends) Minister Shewchuk, do you have closing remarks and, if you do, go ahead.

Hon. Daniel Shewchuk: Thank you, Mr. Chairman. Yes, quickly, I would like to thank you and your committee for reviewing this very important bill, I think, to provide the safety and security in all of our courts across the territory.

I would like to quickly also thank my staff in the Department of Justice who, time and time again, have been assisting me and providing me knowledge in presenting these bills to you and for their work in putting all of this together. Thank you very much, Mr. Chairman.

Chairman: Thank you, Mr. Minister and your staff. (interpretation) Sergeant-at-Arms, please escort the witnesses out.

What is the wish of the committee? Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. At this time, I would like to move a motion to report progress. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Ningeongan. There is a motion on the floor to report progress and the motion is not debatable. All those in favour of the motion, please raise your hand. Opposed. Abstentions. The motion is carried. Thank you. I will now rise to report progress.

Speaker: *Qujannamiik*, Sergeant-at-Arms. Item 20 in our *Orders of the Day*. Report of the Committee of the Whole. Mr. Enook.

Item 20: Report of the Committee of the Whole

Mr. Enook (interpretation): Mr. Speaker, your committee has been considering Bill 39 and would like to report that Bill 39 is immediately ready for third reading and that one committee motion was adopted. Mr. Speaker, I move that the Report of the Committee of the Whole be concurred with. Thank you.

Speaker: Thank you, Mr. Enook. There is a motion on the floor. Is there a seconder? Thank you, Mr. Rumbolt. The motion is in order. All those in favour. Any opposed? The motion is carried.

Item 21. Third Reading of Bills. Minister of Justice, Minister Shewchuk.

Item 21: Third Reading of Bills

Bill 39 – An Act to Amend the Judicature Act – Third Reading

Hon. Daniel Shewchuk: Thank you, Mr. Speaker. I move, seconded by the Hon. Member for Kugluktuk, that Bill 39, *An Act to Amend the Judicature Act*, be read for the third time. Thank you, Mr. Speaker.

Speaker: Thank you, Minister Shewchuk. The motion is in order. All those in favour. Any opposed? The motion is carried and Bill 39 has had third reading and is now ready for assent.

Item 21. Third Reading of Bills. Item 22. *Orders of the Day*. Prior to going to the orders of the day, I would like to ask Madam Deputy Clerk if she could please ascertain if the Commissioner of Nunavut is prepared to enter the Chambers and give assent to bills.

Assent

Bill 19 – Family Support Orders Enforcement Act – Assent

Bill 21 – Miscellaneous Statutes Amendment Act, 2011, No. 3 – Assent

Bill 30 – Building Code Act – Assent**Bill 31 – An Act to Amend the Consumer Protection Act – Assent****Bill 33 – An Act to Amend the Labour Standards Act – Assent****Bill 36 – Supplementary Appropriation (Operations & Maintenance) Act, No. 1, 2012-2013 – Assent****Bill 37 – Supplementary Appropriation (Capital) Act, No. 2, 2012-2013 – Assent****Bill 38 – An Act to Amend the Access to Information and Protection of Privacy Act – Assent****Bill 39 – An Act to Amend the Judicature Act – Assent**

Commissioner Edna Elias: Members, please be seated. As Commissioner of Nunavut, I am honoured to give assent to the following bills:

- Bill 19, *Family Support Orders Enforcement Act*;
- Bill 21, *Miscellaneous Statutes Amendment Act, 2011, No. 3*;
- Bill 30, *Building Code Act*;
- Bill 31, *An Act to Amend the Consumer Protection Act*;
- Bill 33, *An Act to Amend the Labour Standards Act*;
- Bill 36, *Supplementary Appropriation (Operations and Maintenance) Act, No. 1, 2012-2013*;

- Bill 37, *Supplementary Appropriation (Capital) Act, No. 2, 2012-2013*;
- Bill 38, *An Act to Amend the Access to Information and Protection of Privacy Act*; and
- Bill 39, *An Act to Amend the Judicature Act*.

(interpretation) With summer approaching, the sun has returned, although we rarely see it. As our lands warm, Nunavummiut will go out on the land to their summer camping area to reconnect with the land.

As you conclude your work and prepare to return to your families and communities, I hope that you all have a safe trip home. I want all Nunavummiut to be safe, whether they will be going on the land, hunting, or travelling on the water.

Here is the message I want to convey to Nunavummiut, to thank each and every one in Nunavut who supported and donated to the “Women in Action” walk for breast cancer research. We arrived safely at the conclusion of the walk and were welcomed by a crowd of well-wishers, who congratulated and thanked us at our destination. To our MLA and Minister of Health and Social Services, (interpretation ends) Keith, you have a cool haircut.

>>Laughter

(interpretation) I wish to extend my thanks to all Nunavummiut and to wish them a safe and enjoyable summer. Thank you.

Speaker: Continuing on with our orders of the day. Item 22. *Orders of the Day*. Mr. Clerk.

Item 22: Orders of the Day

Clerk (Mr. Quirke): Thank you, Mr. Speaker. *Orders of the Day* for October 23:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Oral Questions
7. Written Questions
8. Returns to Written Questions
9. Replies to Opening Address
10. Petitions
11. Responses to Petitions
12. Reports of Standing and Special Committees on Bills and Other Matters
13. Tabling of Documents
14. Notices of Motions
15. Notices of Motions for First Reading of Bills
16. Motions
17. First Reading of Bills
18. Second Reading of Bills

19. Consideration in Committee of the Whole of Bills and Other Matters

20. Report of the Committee of the Whole

21. Third Reading of Bills

22. Orders of the Day

Thank you.

Speaker: Thank you, Mr. Clerk. Before we adjourn, I would just like to take this opportunity to ask members to join me in thanking the pages who were here with us this week. There's Robert Giroux, Johnny Mark, and Justine Cooper-King. I thank them for all the running around they had to do for us this week.

>> *Applause*

I would also like to take this opportunity to thank the interpreters and technical staff for their hard work this week.

>> *Applause*

As members will recall, this Legislative Assembly hit a milestone this past week, and I just want to mention that today, someone in here has also hit a milestone in their life. I would like to congratulate our Clerk, John, and his wife, Annie, as today is their 40th wedding anniversary.

>> *Applause*

This House stands adjourned until Tuesday, October 23, at 1:30 p.m.

Sergeant-at-Arms

>> *House adjourned at 10:11*

